MR. PULIYOOR T. P. VELAYUDHAN PILLAI: I second it.

The motion was put to vote and carried.

THE TRAVANCORE ANTI-DOWRY BILL.

SRIMATI T. NARAYANI AMMA: I beg to introduce the Travancore Anti-Dowry Bill. I do not think it is necessary for me to make a lengthy speech to commend the general principles of the Bill for the acceptance of the House. The Statement of Objects and Reasons appended will speak for itself. It appears to me that, speaking to a body composed as this Assembly is, there is hardly anything for me to add to the Statement of Objects and Reasons.

Sir, Travancore has always been in the forefront in regard to healthy measures of social reform, and it appears to me that the passing of this Bill will be another notable contribution to the well deserved fame which Travancore already has in this field.

It is true that the dowry system is not prevalent in Travancore to the extent to which it obtains in some other States and Provinces. But, that it does exist cannot be denied. In the communities among whom it is prevalent, it is becoming more and more current, so much so it has now become a serious social evil, calling for immediate eradication. Those who would compare Travancore with other States and Provinces, in regard to this social evil, have also to bear in mind the fact that the economic condition of the people of Travancore is worse than that of the people outside, so that the dowry system causes comparatively greater havoc here than in other places.

Then again, Sir, as stated in the Statement of Objects and Reasons, the dowry system, by whatever name it is called and in whatever form it is observed, vitiates the sacredness of marriage and is very often the cause of unhappy alliances and family quarrels; there are many families which have been ruined on account of this dowry system. It is the duty of every one interested in the progress of the State to prevent such unfortunate happenings. The present Bill is a humble endeavour in that direction.

Honourable members will kindly note that it is a modest measure aimed at the abolition of the dowry system as such; it does not seek to prevent the taking or offering of small presents voluntarily and spontaneously offered as a token of natural love and affection. I trust the principle of the Bill will be unanimously accepted by the House.

MR. PUTHUPALLI S. KRISHNA PILLAI: Is there a similar enactment anywhere else?

SRIMATI T. NARAYANI AMMA: Yes, in Bombay, Behar, and some Indian States.

SRIMATI K. DEVAKI ANTHARJANAM: I second it.

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MR. DOMINIC JOSEPH (*Vaikom* cum *Kottayam*): I commend the spirit which has animated the honourable member in introducing this measure. But I am constrained to observe that this Bill, if passed, will bring about grave unsettlement of laws and customs now in vogue. It is a moot question whether social reform should be effected by educating public opinion or by compulsory legislation. In a matter of this kind, what has first to be looked into is the sense of the dowry-giving communities in the State. Has there been any demand from those communities? So far as I know, there has been no such demand.

PRESIDENT: The honourable member will be perfectly safe in assuming that no man will pay dowry unless he is asked to pay; nobody pays it willingly.

MR. DOMINIC JOSEPH: Among Christians, it is the father's share in the property that is paid off as dowry. If the payment of dowry is penalised, what will be the lot of the daughter? The bane of the economic system in Travancore is said to be the extreme fragmentation of holdings. Will not this measure, if passed accentuate that evil. For all these reasons, I submit that the Bill is not called for, at this stage.

PRESIDENT: Before we go further, let us make one or two points clear. Having regard to the importance of the matter, I would suggest to the honourable mover that public opinion should be more thoroughly gathered and collected. I have heard of cases—I do not wish to say anything more—of brilliant young men, desirous of prosecuting their post-graduate study in England or America obtaining something at the time of marriage and packing off to those foreign countries almost immediately after the marriage. Now, would such a case be rendered penal by Clause 3 of the Bill? Then again, supposing a gift of, say, Rs. 1,500 is given at the time of the marriage. How far will that gift be voluntary or spontaneous under the provisions of this Bill? There are very many other difficult questions connected with this matter. There is no question as to the fact that the dowry system is bad on principle. But the question is if and how far it can be regulated by law. If this Bill is to become law, would it not be in advance of public opinion? Those are some of the matters that have to be looked into. I have no objection to the Select Committee taking evidence; but practically the entire population may have to be examined. It would seem necessary to invite public opinion before the Bill is proceeded with after introduction. Of course, it is entirely left to the honourable mover.

What is the opinion of the Legal Remembrancer?

MR. PUTHUPALLI S. KRISHNA PILLAI: The mover has stated that the evil of the dowry system is not as acute in Travancore as it is in British India. In my opinion, the provisions of the Bill are not quite suited for Travancore conditions. I should also say that it is rather premature.....

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PRESIDENT: Apart from all that, what I am suggesting is that this is a matter on which evidence will necessarily have to be taken by the Select Committee; and, in this matter, such evidence is bound to be protracted and very expensive for the State. Therefore the question is whether it would not be better for the mover not to proceed straightaway for the appointment of Select Committee, but to invite public opinion on the matter.

MR. PUTHUPALLI S. KRISHNA PILLAI: I think that would be the better course. After the first reading, the second reading may be postponed pending the circulation of the Bill and invitation of public opinion on the matter.

PRESIDENT: Then, on the merits, there are one or two aspects which evidently the honourable mover has not paid advertance to. Under Hindu law—under present Hindu law I should say, because the position seems to have been different during the period of the Upanishads—the girl does not inherit her father's property along with her brother. That is the position under the Mitakshara Law. The Mithila School makes a slight difference. That being so, the dowry is often a kind of compensation paid for the benefit of the girl as she could not otherwise get any share in the family property. I wonder whether the honourable mover, the doughty champion of women's rights, in sponsoring this Bill, would not be really working against the interests of the feminine population by penalising what may be called a family settlement in favour of the girl; because under the provision of the Bill the girl will not get anything at all out of the family property. Even the comparatively small amount which is paid as dowry will be saved to the brothers. That is an aspect which, I venture to think, has not been fully adverted to by the honourable mover. I quite see that, in several cases, the dowry system has led to regular persecution of the girl's parents; but, unfortunately, in certain cases, the dowry is the only substitute, in fact all that a girl gets from her family of birth.

SRIMATI T. NARAYANI AMMA: My idea was that this Bill would be followed by a change in the Hindu law of inheritance.

PRESIDENT: As is well known, that has been considered in British India. The Mitakshara system is now followed roughly by 100 million people all over India; in South India itself there are about 25 million people following that system. Naturally, there are alliances between these people resident in the Madras Presidency, in Cochin, British Malabar, and also in other places in India. If the law of inheritance is altered in Travancore with regard to these people, very many complications would arise. For instance, what is to happen in the case of a girl, born to a family living in Travancore, who is married to a boy whose people belong to the Madras Presidency; or again, a girl belonging to British India who is to be married to a boy belonging to Travancore; she won't get any share of family property under the law in British India, while her

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husband will have to share his property with his sisters, under the law here. And then, suppose somebody dies here, and all the heirs live outside Travancore. What is the law to be applied in such a case? It will lead to endless conflict of law and jurisdiction. The matter reqires deep consideration. I would therefore request the honourable mover to stop with the mere introduction for the present, and to elicit public opinion on the matter before proceeding further.

The motion for introduction was put to vote and carried.

MR. JOSEPH VITHAYATHIL: I oppose the Bill.

PRESIDENT: Very well, you can oppose it after lunch. (*Laughter.*)

The House adjourned for lunch at 1 P. M. and reassembled at 2 P. M. with the Deputy President in the Chair.

MR. JOSEPH VITHAYATHIL: Sir, I oppose the introduction of the Bill. I cannot accept the principle of the Bill. Assuming that the dowry system is a social evil I do not think that it has to be eradicated by a final legislation of this kind. I have no doubt that the legislation will do more harm than good. So long as the State cannot compel a man to marry a particular woman I do not think that a legislation of this nature will be effective. It is not at all justifiable on principle to punish a man for insisting that his partner in life should have an independent means of livelihood—something of her own to fall back upon in times of need. When the initial enthusiasm cools down and the parties settle down in life it is not very comfortable for either party to be an absolute pauper. Therefore on principle there is nothing objectionable in a man demanding a sum of money as a means of maintenance for the woman he proposes to marry. In all countries of the world the dowry system is prevalent in one form or other. In European countries marriage settlements or settlements in consideration of marriage are very common. According to this Bill such a settlement or contract for settlement will be an offence. In the statement of objects and reasons the honourable member has discussed the origin of the dowry system. Any discussion on that question would be only of academic interest. The honourable mover says that the system has its origin in marriage by purchase. But marriage by purchase, even according to the mover, was purchase of the bride and not that of the bridegroom. If we view the dowry system in that light it is a purchase not of the bride but of the bridegroom. Whatever may be the origin of the system we are only concerned with the practice as it obtains today. The question for consideration is whether it is objectionable to pay something to a girl at the time of her marriage—whether you call it dowry or a settlement in her favour, and even if it is objectionable whether it is proper to make it an offence.

Now, Sir, under the Christian Succession Act the daughter is not entitled to a share in her father's properties, but only to stridhanam. According to this Bill it will be an offence if she is paid the stridhanam she is legally entitled to. If that stridhanam exceeds one thousand

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rupees it will be an offence even if it is paid out of natural love and affection and not in consideration of her marriage. In the case of the Hindus following the Mitakshara law the daughter is not entitled to a share in the family properties and if this Bill becomes law she cannot also be given anything as a means of maintenance of herself or her children. I do not know whether the honourable mover wants to help these women or to render their position still worse. If this Bill comes into law it will have disastrous consequences. It will cause not a little confusion and dislocation. And it is very doubtful whether such a legislation will actually prevent people from demanding dowry. If the system is a social evil the only effective way of eradicating it is by creating strong public opinion against it. Let women refuse to marry men who demand dowry.

If this Bill gets a place in the Statute Book nobody will be safe. It can very easily be used as an instrument for harassing innocent persons. If a particular marriage proposal breaks through the disappointed party will be very much inclined to make use of this enactment for wreaking vengeance. According to clause 3 payment of an amount not exceeding Rs. 1000 is not an offence provided it is paid out of natural love and affection and not in consideration of marriage. Here it is the state of mind that counts. It is the mental attitude that is punished and not the act. And we know how difficult it is to ascertain a man's state of mind. The saying is that not even the devil knows the mind of man. Then again if the value of the articles given is estimated to be not more than Rs. 1000 it is not an offence; but if it is estimated to be Rs. 1001 it is an offence. If the payment is made within a particular period it is not an offence, but if it is paid one day earlier or later it is an offence. No more comments are necessary on a Bill of this nature. I repeat that an enactment of this nature will have very mischievous consequences and will be a source of embarrassment to the people. It is an elementary principle of legislation that we should not create an offence which it will be difficult to prove and which at the same time may be made use of for harassing innocent people. Any amount of change in the provisions of the Bill at the Select Committee cannot improve the Bill, because the root principle itself is unacceptable. Therefore I strongly oppose the introduction of the Bill.

MR. JEBAMONY NADAR: Sir, I support the principle involved in the bill though I desire to have some changes in some of the provisions of the Bill. The principal object of this Bill is to see that the sacredness of marriages is in no way vitiated by ideas of purchase and sale. I take it, that the Bill is based on the recent enactment passed by the Sind legislature. Sind is a muslim province where non-Muslims are only about 10 per cent. According to Mahomedan law daughters inherit the property of their fathers. But, in Travancore, we have got two systems of inheritance, makkathayam and marumakkathayam. According to the former, property devolves on male heirs to the exclusion of females and the latter system recognises no such exclusion.

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As for the Mitakshara law, daughter is not entitled to a share in the property of the father, if there be a son or other male heirs. Hence Travancore cannot adopt in its entirety the Sind law. When we legislate, therefore, due consideration has to be paid to the two systems that are in vogue here. One is, those who inherit property by their Law of Succession, and the other, those who can have absolutely no rights at all in property. The bill as it stands places both, in the same position, which is manifestly inequitable. Hence the Bill requires modification.

Secondly, in view of the fact that marital relations between people in British India and Travancore are becoming common and also in view of the existing law of stridhanam in British India it is only legitimate that the operation of the bill is restricted to those marriages that are solemnized within Travancore between Travancoreans. Otherwise, it would be doing a sort of injustice to the country itself. Supposing a man in Travancore marries a girl in British India and the girl's father is prepared to give a big amount as dowry, should we, by this legislation, prevent that amount coming into our country? The Bill as it stands has that effect. Further that generous father who is not guilty by the law of his country is a culprit according to this Bill.

Then, a third objection is with regard to clause 8, relating to the enquiry. It is said that no pleaders shall be allowed to appear in the proceedings that might arise under this new law. Ordinarily when a person is accused of an offence, he has a right to be defended by pleaders. But for offences coming under this bill, that valuable legal right is taken away. This might be detrimental to the interests of the accused.

MR. E. SUBRAMONIA AIYAR (*Nominated*): Is defence by pleader an inherent right or one that is to be prevented by statute?

MR. C. JEBAMONY NADAR: I take it that it is an inherent right which is also recognised by statutes that are in force in Travancore such as the Criminal Procedure Code.

Now let me refer to another part of this clause which provides that offences under the Bill should be tried in camera. Travancore Courts do not usually regulate their procedure so as to give undue prominence to Ghosa system which is prevalent in Muslim countries.

Hence I do not approve of the idea of the matter being tried in camera. In order to give due publicity as a sort of preventive propaganda proceedings should be conducted in open court. I also desire that voluntary gifts that are being given at the time of marriage should be excluded. That is done by relations, by friends and well-wishers. It is an act arising out of good intentions. Therefore I do not see any justification for penalising such charitable acts. In spite of all these I support the Bill because there may be cases in which the condition of parents are such that they may not be in a position to give big amounts as stridhanams to their daughters. In such cases some kind of relief is called for. The unmarried daughters may be a source of anxiety to some because of the idea that a big sum has to be given in order that

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the daughter may get a suitable husband. It is necessary to allay this feeling of anxiety. My hope is that this Bill will help to create an impression in the minds of the public that one should not expect a large amount as dowry. I do not however think that the words dowry and stridhanam are synonymous. If I understand correct, in Hindu law, 'stridhanam' is more or less a compensation paid to a female as her share over the properties of her family. The word dowry is a general term unlike the word stridhana which is a special feature of the Hindu law. In that law, it has a definite significance. In fact, the right of a female for stridhanam is a recognised legal right and is prevalent among various communities and it has been a good law for centuries. When we enact a new law ignoring such established law, I submit that it is likely to cause great hardships, unless we provide for sufficient safeguards. In the case of a daughter getting married when the father and mother are alive, it is true that she gets a decent amount as dowry. But her position would be miserable if the parents die and if she has to be under the guardianship of her brothers and consequently of her sisters-in-law. Experience may teach us that such unfortunate maidens should be assured of their legal right to stridhana in proportion to the means and status of the family. I am also not sure how far the provisions of the Bill would affect the existing Hindu Law of stridhanam and the provisions of Act II of 1092. I hope that the honourable mover would see that these suggestions are given due consideration. Subject to these remarks I support the principle of the Bill that there must be some restriction as to the amount of the dowry.

MR. M. SIVATHANU PILLAI: May I know what part of the Bill the honourable member is supporting?

MR. C. JEBAMONY NADAR: That part of the "objects and reasons' which reads thus :—

"There is a growing feeling among the public that the dowry system, by whatever name it is called, and whatever form it is observed vitiates the sacredness of marriage and is very often the cause of unhappy alliances and family quarrels. Indeed the economic condition of many families and communities may also be said to be affected by the dowry system."

The Bill helps to avoid such a state of affairs. To that extent I support the Bill.

MR. E. SUBRAMONIA AIYAR: Sir, I may say at the very outset that I do not see my way to find anything in the Bill to commend itself to me, at any rate. No doubt, my friend Mr. Jebamony Nadar rose to support the Bill and sat down by opposing the Bill, if I may say so. He said that there are very many things which must be kept in-tact as they stand at present and no inroad should be made upon them by this Bill or any other bill. If one's object is merely to have an anti-dowry bill in the Statute book to adorn it, then

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one may please oneself. If on the other hand, the object is to achieve anything substantial to subserve the interests of the country, to promote, as it were, the advancement of even a single individual in the State, I dare say and that without any hesitation, that this Act will never serve that purpose. It is wholly unnecessasy at this time of the day to canvass the origin of property given to the daughter or to the son-in-law. I use the word "property" given to the daughter or the son-in-law to avoid the objectionable term dowry. You should not call a dog by a bad name and then hang it. It is absolutely unnecessary therefore to canvass the origin of that system. It is stated that it arose out of marriage by purchase. There was a time when wives were got by paying money. In my younger days, some 40 or 50 years ago, the idea of paying money to get a bridegroom did not come into vogue. Parents wanted a wife for their son and naturally money was paid to get one. The marriage ceremony was conducted in the house of the bride, but with the advance of western education and its value and its blandishment bridegrooms began to acquire what is called a market value. To put it in plain terms, an old widow with a son somewhere near the school final class with two milch buffaloes to boot was in a position to demand a very good value for her son in the marriage market. And now, what is the situation? Let us take the case of a person who has passed his M. A. or M. L. What is his market value today?. Probably if he has got a job on Rs. 25 in permanent Government service or say in an Aided School a quasi permanent service, or, atlast, in a firm of standing or the like then he may have some market value. And that value is very little. If some 20 or 25 years ago it was brought to the notice of the public that this system is gaining currency and that, something will have to be done to check it, probably a case would have been made out. I say therefore that it is not necessary to canvass the origin of the system. Whether it arose through marriage by purchase or whether it became a recognised fact for other reasons, the question really is what is 'the dowry' which the mover has in view and which she wants us to put an end to. My learned friend Mr. Jebamony Nadar was in the same situation as myself. He thinks that by the word "dowry," "stridhanam" is meant. No doubt the word used is dowry. Stridhanam is known and recognised in Hindu Mitakshara law and in the Manusmrithis. Stridhanam is also provided for in the Christian Succession Act. When you are having a legislation you must exactly know where you stand. One must know one's mind about it. One of the evils of the system stated is this. The parents procure husbands for their daughters either by payment in cash or by meeting their expenses for higher education in the Indian Universities or foreign. This practice has come into vogue among the Nairs and other communities. Let us take it that this is a fact for the purpose of argument. I ask you whether this is a pernicious practice. If you can lavish lakhs and lakhs of rupees upon your sons for education in foreign universities and such other purposes so that he might come over here, wedded to, —well, sometimes not with desirable consequences. If you can spend money upon your sons for higher education why

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should you not spend some upon your daughters' husbands on whose well-being depends the well-being of your daughters. Am I to spend money upon myself alone and not upon my wife? And is there not a duty upon an opulent wife to support helpless husband. In America there is a duty upon the wife to maintain the husband if the fermer has means and the latter has not. We do not want such a legislation here, because we are not such a commercially minded people. This does not mean that I am throwing aspersons upon the laws prevailing in other countries. Here we view everything from the standpoint of duty and custom. If a young man is very poor and has no means of educating himself properly, and if, taken at the right time, and properly handled, he will develop himself into a power for the good and prosperity of not only his people but also of the State, why should not a parent get hold of such a boy marry his daughter to him educate him and make him a real man so that he may of use not only to himself, his wife and children but also to the State, daily growing in manhood, intellectually, morally, and physically. He will be a strength to the State. And if there was no such motive behind, money would not have been spent by fathers for educating their sons-in-law. My view is that if they do this, they are doing something in the right direction. There is nothing pernicious about it.

Now, let us look back. Without going to the times when society was in a most promiscuous condition, leaving aside that, let us look at the time when society really existed when there was some order and regulation. Now according to Manu the old writers like Brahaspati, Narada, Vishnu and others, the daughters have had a share in the property of the father. But there were two principles running in the Hindu Law. That is, the distinction between the joint family property and the separate family property. So far as the fathers' property is concerned, when that property was divided among the sons, the daughter was also given a share though not an equal share. This is something analegous to Mohammedan Law. Gradually, it was interpreted to mean that this share was intended as a provision for marriage. This interpretation gained strength and now the law is that the daughters are not entitled to a share but they are entitled to have a provision for their marriage made on the allotment of property. And what is this provision for marriage. The expenses incurred by the manager, or kartha of a Hindu undivided family on marriages and other rites were considered to be legitimate family expenses.

Stridhanam was never considered to be against public policy. It was recognised particularly in Hindu Law. It was considered to be valid and proper by ancient sages who thought that it was absolutely in the interests of the daughters. It was never considered to be against public policy. Moreover, whatever may be good in one system of law may not be equally good in another system of law. It all depends upon the society for which the law is made. In fact, everybody will agree with me when I say that laws are not made to be worked up in the abstract. Law is never divorced from life. Law is a factor which is closely inter-related to life. And if you

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find that a particular rule of law obtaining in a particular society does not obtain in another society and was conceived to be against it, or is found to be prohibited by another system, we should not blindly stand up and say that that is the best thing and this should go. To make myself plain, a rule of law which is made, recognised and adopted for what is called group living and group ownership for collective life, for corporate life, should not be interfered with, and should not be treated as a pernicious thing from the stand point of what is called modern day individualism. A good deal of what obtained in Hindu Law may not appeal to persons who are trained in the individualistic school of thought. So, we must seriously think before changing an existing system of law, and introducing a piece of legislation which is not merely a modification of the system but one penalising it. Before adopting any such legislative means one should be throughly convinced that the existing system is fundamentally and ethically wrong.

Now, as I do not want to take much of the time of the House, I do not go into details any further, because, if I do so much will have to be said on either side. I wish however to make two more observations before I close. After all, is not the time ripe to lose faith in the efficacy of the present penal laws and reconstruction of society by penalising certain acts? Criminalogists have more or less now agreed that punishment is of no value if reformation of the delinquent is the object.

I ask what useful purpose will be served by adding to the Statute Book more penal laws? Are we not losing faith in penal laws? If penal laws are to be introduced, then so many things have to be penalised. It is well known that there is commercial bribery going on in a very great measure. Every commercial man will admit that. Then why should we not penalise what is called commercial bribery? Non-marital sex expression, in my view, is rampant. Do you make bold to penalise that system, when its morality, if not immorality is very patent to us, when most of us, are beginning to lose faith in the potency of legislation as an instrument to mould or form the character and improve the mental make up of the individual? Mental equipment depends upon one's heritage, one's traditions, environments and the society to which one belongs. Therefore, remedies in this line do not lie in legislation. Let us not be blind. Let us not make attempts at unnecessary legislation and induce, as it were, the doing of things which are unwarranted and unnecessary. If you preach about prohibition to a child, it will create sometimes a reaction which is directly opposite to what is contemplated or prohibited. If you ask people to refrain from drink or prohibit them from smoking, the unnecessary curiosity of some will be roused and the result will be perhaps the perpetration of the very act that is desired to be prohibited. If my friend preaches that a particular thing should not be done, perhaps for that very reason I may like to do it at least when he is absent. The truth is that there is very often a mental reaction to every legislative enactment, which stimulates the doing of the exact opposite of what is contemplated. It is quite easy for us to find a piece of legislation in far

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off Sind or, in some remote part of the Himalayas. It might be that we chance to hear of it and proceed to frame the like of it here. It is easy; but what would be the reaction of that law here? How will the people receive it here? Would it help society? My humble submission is that every act that the Legislature enacts will react and we do not know what exactly the reaction will be.

Proceeding further, let us come to some of these definitions. I am unable to support anything in this Bill. What is the definition given for the word "Dowry". So far as legislation is concerned, without meaning any offence to anybody and trusting honourable members of this House will excuse me, let me say that it should be the result of our heads being put together. Let it be the result of our joint thinking, if I may say so, of our joint labours than a haphazard selection of things from a Statute Book from elsewhere. In the matter of legal acumen, in the matter of draftsmanship and in the matter of understanding conditions upon which certain rules of law will act and the implications thereof, I may proudly state that we are not in any way inferior to others outside. Often, we commit mistakes by blindly copying legislation. Even in the case of Acts which have been propounded in British Indian Provinces like Madras, Bombay, Calcutta, by blindly copying them we have sometimes been able to know the pit falls therein and the enactments have been so modified as to suit the conditions in Travancore. Consequently, if you feel that there is something in Travancore which requires a curtailment or a restraint why should we not put our heads together and satisfy ourselves first and if legislation is found necessary, then, resort to it. Reverting to the difinition of the dowry, "Dowry means and includes stipulations made in connection with marriages, fixing the quantity or quality of things to be paid for in cash or kind on ceremonial or other occasions before or after the marriage and the giving and receiving of presents in cash or kind." This inclusive definition is a great danger. It merely indicates the inability of the drafter to define it precisely and the anxiety of the drafter to see that nothing escapes. One is not sure of his own ground when one makes a law disturbing the state of things existing. Are we not entitled, especially when penalising, to know the exact nature of the existing state of things, to know what exactly this dowry means? Whenever I find the words "inclusive" in a definition certainly I would say it is a danger signal. Then, "stipulations made in connection with marriage." Do you take it as stipulations made fixing the quantity or quality of things to be paid for in cash or kind on ceremonial or other occasions? What does this mean? Certainly, among some communities for the marriage functions the bridgegroom should purchase clothes for the bride and the clothes will be 3 or 4 in number. When the marriage is settled, the bride's father tells the bridegroom's father this, so that he may know exactly where they stand. According to custom, you have to purchase two or three or four cloths. The one is the *Koora Chela*, the other the *Sambandhi chela* and the third the

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Nichithamboola Chela and other *Chelas*. The price of these is fixed. The father of the bride may be rich and between them they may celebrate the marriage in as grand a scale as possible and then cloths of the first order are to be got and then only the marriage will be settled. 'Dowry' means "any stipulation made in connection with marriages fixing the quantity or quality of things to be paid for in cash or kind on ceremonial or other occasions before or after the marriage and the giving and receiving of presents in cash or kind." Well, life becomes impossible and marriage is considered to be a necessary institution by all kinds of thinkers, even philosophers included.

Then, entering into this marriage or into this marital relation or bringing about this relation would be dangerous. I want my daughter and another man's son to be married and my act will be attended with all these dangers. Well, I would not have married at all if such a law had been in existence then, but now it is too late to think of it. (*Laughter*) Sir, I sound a note of warning. Let us not increase the burden of parents who had been unfortunately responsible for the coming into existence of a number of people, males and females and who by the system of law to which they are subject, educate and marry those people. Let us not increase the burden of these frail and weak persons to whose care are committed the well being and progress of their children. There is no use of making laws of this kind.

Then later on, another provision. One is surprised that, I mean no offence to anybody, legislation is sought to be introduced based on these principles. If I use strong language, and if there is anything strong in my statement, take it that it is the result of strong feeling. "No offence is committed if, at any time after marriage, things like fruits, sweetmeats, or small presents are exchanged voluntarily and spontaneously in consideration of love and affection." Sweetmeats and "ലഡ്ഡു"! I ask whether we are really serious in this piece of legislation. If Sind Government had not the dignity to eschew such a legislation, are we like mutes and dumbs to adopt them into our Statute Book and mar the fair face of our Legislature? Looking at this with the back ground of our legislative enactments, are we not proud to say that this is silly, this is wild? I ask the conscientious opinion of this House about this voluntary gift, about this spontaneous gift, this stipulation. Lawyers know, if anybody knows, human nature well, that what is voluntary and spontaneous will appear to be forced and extorted and what is forced and extorted will appear as spontaneous and voluntary. As an old Judge said, I believe it was Lord Brian, "Even the devil knoweth not the thought of man". Even the devil who is a person capable of a lot of mischief does not know the mind of man. When you speak about voluntary gifts, about good intentions, good faith, the mind and the rest of it, why not you say what the tests are. Why should all these troubles be thrust upon the poor parents who wish to gratify the innocent desire of marrying their children. Is it the intention of the mover that this Stridhanam system that obtains in the Hindu law, that obtains in the Christian law, should be given up or is the learned mover confining herself to the particular matter that at the time of the marriage or before,

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apart from the question whether Stridhanam is to be given or not, nothing should be given to the girl, or her husband? When we come to the sacredness of marriage what shall I say?

(At this stage the Dewan President took the chair)

Marriage is sacred. It is inviolate. No interference should be made with it. It is a very great and high ethical institution. Any ethical institution which has the slightest taint or what is called money influence contains within it the germs of decay and corruption. Therefore money influence or any other influence of a like nature should not come into or interfere with the marital relations. All, fine reading in a book of philosophy! But when we come to the hard realities of life marriage is sacred to those who observe it. Nowadays we want what is called civil marriage and divorce. Then where is the sacredness about it?

PRESIDENT: I take it that the underlying idea is stopping the payment of money. There is no question of sacredness in this Bill.

MR. E. SUBRAMONIA AIYAR: Sir, certainly I cannot be accused of irrelevancy.

PRESIDENT: I am not going to accuse a trained lawyer as the honourable member of irrelevancy. But the point is that as the Bill is framed the sacred aspect that is indicated is the natural love and affection that is referred to in clause 3 exception. Otherwise it is purely a question whether it is expedient or not to prevent the giving and taking of dowry.

MR. E. SUBRAMONIA AIYAR: The mover of the Bill in the statement of objects and reasons has stated thus—

> "There is a growing feeling among the public that the dowry system, by whatever name it is called and in whatever form it is observed, vitiates the sacredness of marriage....."

PRESIDENT: On the other hand the honourable member will look at the Preamble which says—

> "Whereas it is expedient to restrain the custom of taking or offering dowry in marriages".

MR. E. SUBRAMONIA AIYAR: When I was discussing the principle of the Bill, I was at pains to discover the propelling force which prompted or drove the mover to come to this House with this piece of legislation and searching for it in the statement of objects and reasons I found in one place "that it is ill suited to the spirit of the times ..... that dowry marriage is the universal custom among Brahmins and that it is also prevalent among Christians and becoming prevalent among Nairs, Ezhavas and Nanjinad Vellalas." In another place it is stated that there is the practise of sending the son-in-law for higher education to foreign universities. The third is a great faith in the sacredness of marriage which is likely to be damaged or belittled by introducing the money element. Certainly, I am at one with the mover in that high ideal reached by the mover in the third part. I am also one who is aware of the fact that not only in regard to marriage but in every

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ethical institution if there is the slightest taint of what is called money influence, that institution will have in it germs of decay and is liable to corruption. That is why we find that in the Contract Act, the Transfer of Property Act and enactments of a like nature, contracts in restraint of marriage are void and moneys paid in consideration of marriage will not be repaid. I was only pointing out that so far as Travancore is concerned, there is no necessity for a law of this description. The evil is only imaginary. There was a time when this evil was spreading from one place to another. That was about 20 years ago when it became virulent and the market value of the bridegrooms rose on account of western education.

PRESIDENT: And the greater chances of employment.

MR. E. SUBRAMONIA AIYAR: I wanted to say that next in an euphemistic way. But people very soon opened their eyes and now an M. A., M. L. with the mere degree will not compare favourably with a strong and stout man who knows how to turn the mortar and make Rs. 15 a month. That is the situation now. The so-called dowry system has itself died out and every parent is now anxious to find out a boy who is hearty and hale, who can run, who can live, who is not carried away by high notions, who has got the power and the willingness to shoulder his own responsibilities of a family life.

I was then pointing out what exactly the significance of the dowry here is- Does it attempt to interfere with stridhanam as it is understood ? I was also referring to the "fixing of the quantity or quality of things to be paid for in cash or kind" and was giving a homely illustration of the purchase of a Koorachela for Rs. 300 or Rs. 400 and for which I may have to answer in court of law. I was also referring to the futility of legislation in a matter like this and I was appealing to the honourable members of this House not to increase the already existing burdens of the parents who are even, as it is, groaning under the weight of the economic and other kinds of depression. I need not dilate upon those things, because the day before yesterday I found there was a great demand for distribution of offices. It shows our helplessness in a situation like that. I was also pointing out that a system of law which has come out of a group system should not be interfered with by a rule of law which is unsuited to it. I do not want to take up the time of the House any further. For the present I would fervently appeal to the members of this House and say that we have got a lot of other things to attend to. We can spend our time more usefully, in the finding out of more radical evils and trying to remedy them, if possible. The present bill is a matter of very little moment. Do not interfere with domestic relations and domestic life unless you are compelled to do so.

MR. C. JEBAMONY NADAR: Is this a matter of domestic relation ?

MR. E. SUBRAMONIA AIYAR: I am glad the question has come from my friend. As I have read law and understood law, I will advocate the rights of self, individual rights and then a further expansion

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of its domestic rights and a still further expansion of its property rights. I have got a child and it is for me to determine how the marriage of that child should be conducted. My child stands in a particular relation to me and if this relation is not domestic relation, I do not know what other relation it is. Therefore it is I submit that in our overconsciousness of superior wisdom we would not interfere with the group relations which have stood the test of time. Do not be carried away by ideas of mass propaganda or let us not do anything which will cause greater trouble. With these stray observations I would appeal to the House and to the mover of the Bill not to press the Bill. If time does not improve the situation I assure the mover that I shall be the first person to have a bill drafted if I am anywhere near this House. But now is not the time for such a measure.

MR. T. C. KESAVA PILLAI (*Kalkulam cum Vilavankod*) : സർ, അസാധാരണമായ ഈ ഒരു നിയമം ഇവിടെ കൊണ്ടുവരണമെന്നുദ്ദേശിച്ച നവീനാദർശത്തെ അഭിനന്ദിക്കാതെ തരമില്ല. തിരുവിതാംകൂറിലെ പുരുഷന്മാരുടെ ഇടയിലാകട്ടെ സ്ത്രീകളുടെ ഇടയിലാകട്ടെ, ഇങ്ങനെ ഒരു നിയമത്തിന്റെ ആവശ്യം ഉണ്ടെന്ന് ഇതുവരെ പറഞ്ഞുകേട്ടിട്ടില്ല. പത്രങ്ങളിലെങ്ങും ഇങ്ങനെ ഒരു നിയമത്തിന്റെ ആവശ്യത്തെ പരാമർശിച്ച പ്രസ്താവനകളും ഉണ്ടായിട്ടില്ല. ഇവിടത്തെ ഗ്യാലറിയിൽ സഭാനടപടികൾ വീക്ഷിച്ചുകൊണ്ട് അധികം സ്ത്രീപുരുഷന്മാരെ കാണുന്നില്ല. ഇതിൽനിന്നുതന്നെ ഇതിന്റെ ഗൗരവം എത്രത്തോളമുണ്ടെന്നു മനസ്സിലാക്കാം.

ഈ ബില്ലിനെപ്പറ്റി സവിസ്തരം എന്റെ മുൻഗാമികളായ മാന്യ മെംബർമാർ പറഞ്ഞുകഴിഞ്ഞു. ക്ലുപ്തമായി ഒന്നും പറയണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഈ ബില്ലു അവതരിപ്പിച്ച എന്റെ മാന്യസ്നേഹിതയോട് ഞാൻ ഒരു ചോദ്യം ചോദിച്ചുകൊള്ളട്ടെ. കയ്യിൽ വിരുപിയായും നൊണ്ടിയൊ കുരുടിയൊ ആയും ഉള്ള ഒരു സ്ത്രീക്ക്, കുറഞ്ഞതും ഒരു ആയിരം രൂപയെങ്കിലും കൊടുക്കാതെ ഒരു ഭർത്താവിനെ കിട്ടുമോ എന്നു ചോദിച്ചുകൊള്ളട്ടെ. പഞ്ചസാരയ്ക്കുതുല്യം പൊതിഞ്ഞിട്ടില്ലെങ്കിലും കയിനാപ്പൊടി സേവിച്ചേ മതിയാവൂ എന്ന തരത്തിലാണ് സ്ത്രീധനം കല്യാണത്തിനു ആകർഷണീയമായുള്ളതു്. അതുകൊണ്ട് ഈ സഭയുടെ വിലയേറിയ സമയത്തെ പാഴാക്കാതെ ഈ ബില്ലിനെ പിൻവലിക്കണമെന്നുള്ള അപേക്ഷയോടുകൂടി വിരമിച്ചുകൊള്ളുന്നു.

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MR. KAINIKKARA M. PADMANABHA PILLAI: In the light of the observations that have been made, and also considering the complications involved in the matter, with your permission, Sir, I move, under Standing Order 27, that further discussion of the Bill be postponed for circulation and collection of public opinion.

SAHIB BAHADUR P. S. MUHAMED: I second it.

The motion was put to vote and carried.

THE TRAVANCORE CHRISTIAN GUARDIANSHIP BILL.

MR. JOSEPH VITHAYATHIL: I beg to move that I may be granted leave to introduce the Travancore Christian Guardianship Bill.

MR. C. JEBAMONY NADAR: I second it.

The motion was put to vote and carried.

Leave was granted.

THE EZHAVA BILL.

MR. N. R. KRISHNAN (*Ambalapuzha* cum *Shertala*:) ഈഴവബിൽ ഇവിടെ അവതരിപ്പിക്കുന്നതിനു ഞാൻ അനുവാദം ചോദിച്ചുകൊള്ളുന്നു.

MR. K. KUNJU PANICKAR: I second it.

The motion was put to vote and carried.

Leave was granted.

RESOLUTIONS ON MATTERS OF PUBLIC INTEREST.

MR. K. P. KOCHUKORA THARAKAN: സർ, ഞാൻ താഴെ പറയുന്ന പ്രമേയം അവതരിപ്പിച്ചുകൊള്ളുന്നു.

This Assembly recommends to Government that the areas fit for cardamom cultivation in the Kottayam Division, lying contiguous to the lands assigned for cardamom cultivation in the Devicolam Division which was recently amalgamated with the Kottayam Division, be marked off from the reserve and assigned for cardamom cultivation.

കാർഡമം കൃഷിക്കു പറ്റിയ സ്ഥലങ്ങൾ തിരുവിതാംകൂറിലധികമുള്ളതു് ദേവികുളം ഡിവിഷനിലാണു്. ഏലകൃഷിക്കു കൊള്ളാവുന്ന സ്ഥലങ്ങളെ ഗവണ്മെൻറിൽനിന്നും പതിച്ചുകൊടുത്തു കൃഷി നടത്തുവരുന്നു. അതു് അധികവും വിദേശികൾക്കാണു കൊടുത്തിട്ടുള്ളതും. ഇപ്പോൾ ഇവിടത്തുകാർ ഏലകൃഷിക്കു സ്ഥലമില്ലാതെ വളരെ വിഷമിക്കുന്നു. കോട്ടയം ഡിവിഷനും ദേവികുളം ഡിവിഷനും ഒന്നിച്ചു ചേർത്തിരിക്കയാണല്ലൊ. കോട്ടയം ഡിവിഷൻറെ ബൗണ്ടറിയിൽ ഏലകൃഷിക്കു കൊള്ളാവുന്ന സ്ഥലങ്ങൾ ധാരാളമുണ്ടു്. അങ്ങിനെയുള്ള സ്ഥലങ്ങളെ റിസർവിൽനിന്നും വേർതിരിച്ചു പതിച്ചുകൊടുക്കണമെന്നാണു് എൻറെ അഭിപ്രായം. അങ്ങിനെ ചെയ്താൽ ഗവണ്മെൻറിനു തറവിലയിനത്തിൽ ഒരു ഭീമമായ സംഖ്യ കിട്ടുന്നതിനുംപുറമെ

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